

STATE OF NEW YORK

5545

2021-2022 Regular Sessions

IN SENATE

March 10, 2021

Introduced by Sens. MAYER, KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to absentee ballots for school district elections during a declared disaster emergency; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph a of subdivision 2 of section 2018-a of the
2 education law, as amended by chapter 616 of the laws of 2019, is amended
3 to read as follows:

4 a. A qualified voter may vote as an absentee voter under this section
5 if during all the hours of voting on the day of an election he or she
6 will be:

7 (1) absent from the county of his or her residence; or

8 (2) unable to appear at the polling place because of illness or phys-
9 ical disability, or duties related to the primary care of one or more
10 individuals who are ill or physically disabled, or because he or she
11 will be or is a patient in a hospital, provided that, for purposes of
12 this subparagraph, "illness" shall include, but not be limited to,
13 instances where a voter is unable to appear personally at the polling
14 place of the school district in which they are a qualified voter because
15 there is a risk of contracting or spreading a disease that may cause
16 illness to the voter or to other members of the public; or

17 (3) an inmate or patient of a veteran's administration hospital; or

18 (4) absent from his or her voting residence because he or she is
19 detained in jail awaiting action by a grand jury or awaiting trial, or
20 confined in jail or prison after a conviction for an offense other than
21 a felony, provided that he or she is qualified to vote in the election
22 district of his or her residence.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 § 2. Paragraph a of subdivision 2 of section 2018-b of the education
2 law, as amended by chapter 46 of the laws of 1992, is amended to read as
3 follows:

4 a. An applicant for such an absentee ballot shall submit an applica-
5 tion setting forth (1) his name and residence address, including the
6 street and number, if any, or town and rural delivery route, if any; (2)
7 that he is or will be, on the day of the school district election, a
8 qualified voter of the school district in which he resides in that he is
9 or will be, on such date, over eighteen years of age, a citizen of the
10 United States and has or will have resided in the district for thirty
11 days next preceding such date; (3) that he will be unable to appear to
12 vote in person on the day of the school district election for which the
13 absentee ballot is requested because he is, or will be on such day (a) a
14 patient in a hospital, or unable to appear personally at the polling
15 place on such day because of illness or physical disability ~~[or]~~,
16 provided that, for purposes of this paragraph, "illness" shall include,
17 but not be limited to, instances where a voter is unable to appear
18 personally at the polling place of the school district in which they are
19 a qualified voter because there is a risk of contracting or spreading a
20 disease that may cause illness to the voter or to other members of the
21 public, (b) because his duties, occupation, business, or studies will
22 require him to be outside of the county or city of his residence on such
23 day, (c) because he will be on vacation outside the county or city of
24 his residence on such day; or, (d) absent from his voting residence
25 because he is detained in jail awaiting action by a grand jury or await-
26 ing trial or is confined in prison after conviction for an offense other
27 than a felony. Such application must be received by the district clerk
28 or designee of the trustees or school board at least seven days before
29 the election if the ballot is to be mailed to the voter, or the day
30 before the election, if the ballot is to be delivered personally to the
31 voter.

32 § 3. Paragraph s of subdivision 2 of section 1951 of the education
33 law, as added by chapter 722 of the laws of 2005, is amended to read as
34 follows:

35 s. The board of cooperative educational services shall provide absen-
36 tee ballots to qualified voters. The commissioner shall adopt regu-
37 lations for the purposes of implementing the provisions of this para-
38 graph which shall include, but not be limited to, creating the procedure
39 for which such absentee ballots shall be submitted; providing that such
40 absentee ballots shall be, as nearly as practicable, in the same form as
41 those voted at the district election; requiring that any absentee ballot
42 applicant is or will be, on the day of the vote, a qualified voter of
43 the board of cooperative educational services and that he or she will be
44 on such date over eighteen years of age, a citizen of the United States
45 and has or will have resided in said district for thirty days next
46 preceding such date; and providing instructions as to the proper marking
47 thereof. For purposes of this paragraph, qualified voters of a board of
48 cooperative educational services may request an absentee ballot subject
49 to the conditions set forth in paragraph a of subdivision two of section
50 two thousand eighteen-b of this title.

51 § 4. This act shall take effect immediately and shall expire and be
52 deemed repealed January 1, 2022.